

# Morning

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# Astorian.

COVERS THE MORNING FIELD ON THE LOWER COLUMBIA

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ASTORIA, OREGON, SUNDAY, JULY 28, 1907.

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## NO DECISION IS REACHED YET

The Judge's Charge Was Made to the Jury Yesterday Forenoon and Jury is Still Out.

## CONSIDERED FAIR TO DEFENDANT THOUGH JUST

Judge Woods Instructed Jurors as to Law and Evidence in Accordance With Ruling Made Some Days on Connection of Steve Adams With Crime.

## JURY EMPOWERED TO RETURN A VERDICT ON SUNDAY

IN HIS CHARGE THE JUDGE SAID "YOU HAVE BEEN SELECTED TO THIS RESPONSIBLE POSITION AND FOR THE PERFORMANCE OF THIS IMPORTANT DUTY FROM A LARGE NUMBER OF YOUR FELLOW CITIZENS. DO YOUR DUTY."

BOISE, July 28.—At 2:30 this morning there was no news from the jury-room. Rumors as to how the jury was supposed to stand are being circulated but there is nothing on which to base beliefs one way or the other.

Despite the long time the jury has been out, tonight there still exists a hope among those who have followed the trial that some sort of verdict may be reached. That affairs have not come to a deadlock is indicated during the afternoon when the jurors sent request to Judge Wood for some of the most important documents introduced into his case as exhibits. These had to do directly with the alleged conspiracy against former Governor Steunenberg for whose murder Haywood has been on trial and in connection with which C. H. Moyer and George A. Pettibone are yet to face a jury. A tragic event today was the collapse of Mrs. Etta Carruthers, the aged mother of Haywood. Completely broken down and suffering from nervous prostration she was taken to St. Luke's Hospital where it was said she required some attention.

**John H. Murphy Seriously Ill.**  
John H. Murphy, of Denver, general counsel for the Western Federation of Miners, attending the Haywood trial, in an advisor capacity, is seriously ill and in the hospital. It is reported that his life is despaired of. He is suffering from tuberculosis.

The strain of the long trial has told more keenly upon the mother than any other member of the prisoners' family. Today as the jury retired and as soon as he was lead away to his cell, she reached her arms about his broad shoulders and tenderly kissed him. This was the only demonstration.

The court session which began this morning continued without interruption until the jury reaches its verdict or until the foreman announces an agreement impossible.

Boise City continues quiet tonight. A few loiterers are about and at 10 o'clock Judge Wood went home leaving word that he could be communicated with by telephone in case the jury arrived at a verdict.

Haywood during the morning session listened to the reading of the charges without any facial expression and when led to his cell a smile played about his lips. After they returned from dinner tonight the jury sat about the jury-room with their backs against the wall and seemed in a sullen mood. Occasionally one or two would walk to the window and stand gazing out without talking to each other. Rumors were flying fast tonight but at 10 o'clock there was no indications how the jurors stand.

Since four minutes after 11 o'clock this morning the jury which listened for so many weeks to the mass of testimony introduced for and against William D. Haywood charged with the murder of ex-Governor Steunenberg, have been endeavoring to agree upon a verdict. At that hour the jury retired and with the exception of two short respites of about 20 minutes each for luncheon and dinner have been discussing the merits of the case. The instructions of the court were broad and if anything seemed to favor defense.

BOISE, July 27.—The following ab-

stract of the charge and instructions to the jury in the Haywood trial must be held for release, which probably will be shortly after 10 o'clock A. M. Before delivering his instructions, Judge Wood said:

"Gentlemen of the jury: The evidence in the case having been introduced, and the argument of counsel being completed, it now devolves upon the court to instruct you in relation to the law of the case, but before doing so I desire to join with counsel for the state and defendant in congratulating you upon the approaching termination of your duties, and I also wish to extend to you and each of you the thanks of the court for the attentive manner in which you have thus far performed your duties as jurors in this case."

"You have been selected to this responsible position and for the performance of this important duty from a very large number of your fellow citizens after a long, painstaking and most thorough examination by able counsel. The oath which you took as jurors when sworn to try this case imposed upon you the most solemn duty that devolves upon any citizen, that of sitting in judgment upon your fellow man."

"You have been called here at the busiest season of the year, and perhaps when many of you could not well afford to be absent from your respective vocations, but the duties here imposed are necessary and essential under our system of government, and if any of you consider the performance of this duty a burden or a hardship, you should feel fully recompensed therefor in the fact that your selection to try this case from the very large number of jurors examined is a splendid testimonial to your citizenship and should be accepted as a guarantee that you will give this case that conscientious consideration which the law imposes upon you when you take it with you to your juryroom for final action thereon."

After the customary instructions to the general duties of the jurors as to the law and evidence, Judge Wood instructed the jurors in accordance with his ruling made some days ago, after argument by counsel as to the admissibility of the evidence bearing on the connection of Steve Adams with crimes committed in Northern Idaho. This evidence and also that introduced by the defense regarding deportations in Colorado and the employment of Pinkerton detectives by the mine owners, Judge Wood instructed the jury not to consider on the ground that no proper connection had been made in either case.

Instructions as to the necessity for the clear and conclusive proof beyond any reasonable doubt of every material fact were followed by the quoting of the indictment on which Haywood, together with Moyer and Pettibone was arrested. On this subject Judge Wood said:

"There are three counts in the indictment, but the substance of each of them is the unlawful, wilful, deliberate, premeditated and felonious killing of the said Frank Steunenberg, with malice aforethought. The essential elements of the offense charged in the indictment consist of the following features:

"1.—There must have been a killing; second, that killing must have been

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WHY FAIRBANKS SMILED.

A Reformer has appeared who would banish the "Teddy Bear" from the nursery as a pernicious and soul-destroying beast.—News Item.

### DUNCAN McTAVISH DEAD.

Well Known Former Astorian Dies in New Mexico.

Duncan McTavish is dead. He died at Chloride, N. M., on July 19th. This information was received by County Clerk Clinton yesterday in a letter received from his brother, Hugh McTavish. Duncan McTavish a few years ago was one of the best known and most highly respected citizens of this city. He was at the head of the Prael Transfer Company and when the Klondike excitement broke out he disposed of his interests here and in company with J. W. Suprenant, William Clinton, and others, he went North to try his luck in the gold fields. After several years spent there he returned to Astoria and then went to Canada, his old home and from there to New Mexico. He was a life member of Astoria Lodge No. 180, B. P. O. E. He was 70 years old at the time of his death.

### SUIT TO PREVENT ELECTION.

Secretary of State Sued to Prevent Election of Senators in November.

NEW YORK, July 27.—Senator Otto G. Foelker has served papers on Secretary of State Whalen in a suit to prevent the calling of a general election in November next for the election of senators under the new reapportionment of the Sensational district as provided by the law just enacted. An injunction will be brought today in the supreme court at Albany, restraining the secretary of state from issuing a notice of a call for elections. Senator Foelker contends if the election is called next November the present incumbents in office from the 49 senatorial districts will be thrown out of office by a body of men whose elections may be legally questioned, with the resolution that there will be two bodies of senators, each disputing their power with each other.

## WOODMEN MEET PECULIAR METHODS

Election of Officers Held Yesterday at Head Camp.

Dr. Dowdall, of Chicago, Arrested Last Night.

### BOAK SUCCEEDS HIMSELF

### WAS DOING SOME GRAFTING

The Salary of the Head Consul Was Increased to \$6000—Head Clerk's Salary Remains Same—Auditor Raised \$1000—Delegates Visiting Tacoma.

He is Accused of Obtaining Money From Medical Students and From Women Endeavoring to Pass State Examinations as Midwives.

SEATTLE, July 27.—I. L. Boak, head consul of the Pacific jurisdiction, Woodmen of the World, was unanimously re-elected to succeed himself; T. Clinton Veale, of Pasadena, Cal., was elected head advisor to succeed A. E. Sutherland; John T. Latslaw of Pueblo, Colo., was re-elected head clerk. They had no opposition.

The contest for the office of head banker was the hottest, and the holder, P. E. Snodgrass, of Eugene, Or., was elected. Seattle candidate, Elmer F. Conner, was not far behind. W. B. Ames of Los Angeles, and W. Francis Trainor of Sacramento, were the other contestants. The main issue in the fight for the head bankership was the question of how much interest the head banker would guarantee the order on the amount of money placed in his hands.

The salary of the head consul has been increased from \$5000 to \$6000 a year, and the head clerk's salary was left at \$3000. The head auditor will receive \$4000 a year, a raise of \$1000. The members of the board of head managers are to receive \$9000 a year and those on the finance committee, \$1200. For every applicant examined the head physician is to receive 25 cents.

All business has been dispensed with today, and the visiting delegates and members of the local lodge are viewing points of interest on Puget Sound.

CHICAGO, July 27.—Dr. Edward was arrested last night and will appear today before Judge Freeman Blake as the result of some peculiar ideas of medical etiquette which have been guiding him. Dr. Dowdall is accused of obtaining money from medical students and from women who are endeavoring to pass state examinations to obtain certificates as mid-wives, the money to be used in "fixing" Dr. Jas. A. Egan secretary of the state board of health.

Dr. Dowdall was arrested on complaint of a woman who asserted that she had paid him \$100 to secure from Dr. Egan a charitable scrutiny of the answers she made in the state examination by the board of health now in progress here.

### YESTERDAY'S BASEBALL SCORES.

At San Francisco—Oakland 1, San Francisco 0.  
At Seattle—Seattle 2, Spokane 1.  
At Tacoma—Tacoma 3, Aberdeen 4.  
At Portland—Los Angeles 0, Portland 2.

They have chartered the big steamship Yosemite for the day, and this evening they will go to Tacoma. There they will be met by the Tacoma Woodmen and will be shown about the city, after which a banquet will be tendered them.

### STEAMER BURNED.

AUBURN, N. Y., July 27.—The steamboat Frontance was burned and beached at Lake Cayuga today and nine lives lost. The victims were all women and children and all were drowned. Several passengers were severely burned before the steamer could be beached. The steamer was an old sidewheeler with double deck and left Ithaca this afternoon for Cayuga carrying 50 passengers and a crew of 12. The crew worked bravely to save the passengers but in spite of their efforts nine perished. Many men among the passengers showed cowardice and there was a general panic. Fire broke out in mid lake and the steamer was quickly turned toward the shore.

### ROSS TAKES ISSUE.

Does Not Agree With Roosevelt on the Question of Race Suicide.

CHICAGO, July 27.—A dispatch to the Tribune from Madison, Wis., says: Taking issue with President Roosevelt on the desirability of raising families, Prof. Edward A. Ross, head of the sociology department of the Wisconsin state university, yesterday told his class that "Restriction in the birth rate is a movement which at the bottom is salutary, that evils in its train appear to minor or transient or self limiting or curable."

Prof. Ross is himself the father of three children.

After declaring that restriction in the birth rate was salutary, Prof. Ross anticipating widespread opposition to such an assertion, added:

"I take my stand with those who hate famine, war, sabre toothed competition, class antagonism, degradation of the masses, wasting of children, dwarfing of women and chespening of men."

"Shall we live to see a mother of more than three regarded as a public benefactor and placed on the pay-roll of the state?"

### COLUMBIA CALAMITY.

Investigation Before Inspectors of Hulls and Boilers in Frisco.

EUREKA, July 27.—Dr. S. B. Foster of the Marine Hospital Service today stated that Third Officer Hawse who has been quoted and severely criticized in his actions by various people in connection with the wreck of the Columbia, had applied to him several times for morphine. Foster administered it once. Hawse told the physician that he had taken it before. Speaking as to the statement Hawse has made concerning Captain Hansen's alleged refusal to allow more passengers aboard the San Pedro Foster stated that it looked to him that Captain Hansen was right in doing such a thing, if he did, as the San Pedro was in bad shape and the people were packed very closely together and were having trouble to retain their position on the boat with every sway of the vessel. Hawse had made a statement in which he denies the charges made against him. Referring to Hansen he says: "I never did criticize his conduct but simply made my report to the United States inspectors in accordance with the facts and ventured the opinion that had the San Pedro allowed me to discharge the survivors from the boat I would have had a chance to rescue more."

### SEOUL IS QUIET.

TOKIO, July 27.—Seoul is quiet, but the disturbances are spreading to the provinces. Two more regiments have been ordered Korea wards. Hayashi returns tomorrow.

### VOLCANOE FOUND IN ALASKA.

VALDEZ, Alaska, July 27.—Mounts Blackburn and Logan are active volcanoes, according to reports of natives and prospectors, who are fleeing from that vicinity. There has been a strange rumbling for several days and smoke and steam are now issuing from their peaks.

### VENEZUELAN AFFAIRS.

CARACAS, July 27.—Foreign officers have handed American Minister Russell the answer of the Venezuelan government to the second note from Secretary Root regarding the arbitration of five American claims. Venezuela persists in refusal to arbitrate claims in question. The opinion expressed in some quarters is that the refusal may lead to the severing of diplomatic relations between Venezuela and the United States.

## GLASS JURY STILL OUT

Arguments Closed—Charge Made to Jury.

## ASK FOR INSTRUCTIONS

Attorney Heney Summed Up Evidence in Splendid Style With Great Effect.

## DELMAS CLAIMED NO PROOF

Judge Lawlor in His Instructions to the Jury Charged That it Was Not Necessary That There be Direct Evidence of Alleged Conspiracy.

### THE GLASS TRIAL.

SAN FRANCISCO, July 27.—At midnight the jury in trial by Glass had not yet agreed on a verdict and were ordered locked up for the night.

SAN FRANCISCO, July 27.—With every indication that they will not be able to arrive at a verdict, the jury in the case of Louis Glass, appeared in court at 9:30 o'clock this morning and requested Judge Lawlor to give them further instructions and have the testimony of Homer King, Evan Pillsbury, Fred Eaton, A. J. Steiss and Henry T. Scott re-read.

The jury also asked the court to inform it when E. J. Zimmer, who is in the county jail serving a five days' sentence for refusing to testify, was elected vice-president of the Pacific Telephone Company. The court ordered the question held in abeyance until other matters were disposed of. The re-reading of the testimony then began.

The jury held a stormy all-night session and when dawn came was as far from a verdict as when they retired. It is reported the jury stood 9 to 3 for acquittal.

Assistant District Attorney Heney closed his argument at 4:30 o'clock, having addressed the jury a little more than two hours. Mr. Heney lost no time in summing up the evidence which had been produced and plunged at once into the heart of his argument. He said one man and one man only had the power to authorize and look after the \$50,000 which had been expended for bribery, and that man was Louis Glass.

The prosecution argued that the \$50,000 used to bribe Boxton could not have been secured from the treasury unless Glass had signed the check to withdraw it. The money was for the purpose of excluding a competitor from the field and the man in closest touch with the Pacific Company's affairs was the one who knew of and supervised the distribution of the bribery fund. Continuing, he said:

"In a big company of this kind, who would look after matters so important as those relating to opposition telephone companies? Why, the man in charge is the man highest up. This company promised the supervisors \$50,000 if they would refuse the franchise to the Home Telephone Company and promised an additional \$25,000 if those supervisors would continue friendly to the Pacific Company for the next two years. Nobody but the general manager would attend to such important matters."

Mr. Delmas based the strength of his argument on the fact that no direct argument on the fact that no direct argument had been offered that Glass was connected in any way with the bribing of Boxton, except the latter's own testimony, and he, Delmas said, is a man who had openly confessed that he had sold himself over and over again. In the face of this and the lack of corroborating testimony, circumstantial evidence had been eliminated and there was no other evidence to connect Glass with the crime.

Judge Lawlor in his instructions to

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